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EXAMINER

ABELSON, RONALD B

ART UNIT PAPER NUMBER

2666

DATE MAILED: 10/28/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/920,030

Applicant(s)

ANDERSON ET AL.

Examiner

Ronald Abelson

Art Unit

2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-9 and 12-16 is/are rejected.
- 7) ☒ Claim(s) 3,4,10 and 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 2666

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 2, 5, 8, 9, 12, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Padiovani (US 6,442,398) in view of Reed (US 4,876,710).

Regarding claims 1, 8, 15, and 16 Padiovani teaches a method and apparatus for a mobile access point (fig. 2 box 40, col. 9 lines 25-29), adapted for use with a packet-switched communications network (fig. 1 box 12B) comprising at least one fixed access point (fig. 2 box 54), to provide a mobile wireless user terminal (fig. 2 box 48) with access to the network, the mobile access point comprising: at least one transceiver, adapted to transmit and receive communications signals to and from the wireless user terminal (fig. 2 box 40), and to operate as a communications link between the wireless user terminal and the fixed access point, to provide the wireless user terminal with access to the network via the communications link; and a

Art Unit: 2666

structure, adapted to house the at least one transceiver, and being adapted to mount on or in a mobile vehicle (portable base station, col. 9 lines 25-29).

Although Padiovani teaches a mobile access point, the reference is silent on communication while the access point moving, as specified in claims 1 and 8; a power connection, adapted to couple a substantially constant power supply, to provide substantially constant power to the transceiver, as specified in claims 2, 9, 15, and 16; the transceiver is further adapted to provide a second communications link with another mobile access point adapted for use with the network, as specified in claims 5 and 12; a structure, adapted to house said at least one transceiver, and being adapted to mount on or in a mobile vehicle (fig. 2 box 11, 51, 12), as specified in claims 15 and 16.

Reed teaches a communication with a mobile access point while the access point moving (fig. 2, 3, box 11, 51), as specified in claims 1 and 8; a power connection, adapted to couple a substantially constant power supply, to provide substantially constant power to the transceiver (fig. 4 box 1731, col. 4 lines 42-47), as specified in claims 2, 9, 15, and 16; the transceiver is further adapted to provide a second communications link with another mobile access point adapted for

Art Unit: 2666

use with the network (fig. 2, 3 box 11, 51), as specified in claims 5 and 12; a structure, adapted to house said at least one transceiver, and being adapted to mount on or in a mobile vehicle (fig. 2 box 11, 51, 12), as specified in claims 15 and 16.

Therefore it would have been obvious to one of ordinary skill in the art, having both Padiovani and Reed before him/her and with the teachings [a] as shown by Padiovani, a mobile access point, adapted for use with a packet-switched communications network comprising at least one fixed access point, to provide a mobile wireless user terminal, and [b] as shown by Reed, communication while the mobile access point moving, to be motivated to modify the system of Padiovani by augmenting the system to include the primary and secondary mobile units of Reed to provide communication between the remote unit (fig. 2 element 48) and portable base station (fig. 2 box 40) of Padiovani. This would improve the system by allowing for the access points to quickly relocate depending on traffic patterns.

3. Claims 6, 7, 13, and 14 rejected under 35 U.S.C. 103(a) as being unpatentable over Padiovani and Reed as applied to claims 1 and 8 above, and further in view of Beason (US 6,373,430).

Art Unit: 2666

The combination of Padiovani and Reed fails to teach a mobile access point comprising a location determiner, as specified in claims 6 and 13; and the location determiner includes GPS, as specified in claims 7 and 14.

Beason teaches a GPS location determiner for a mobile transceiver (fig. 1, col. 2 lines 43-48).

Therefore it would have been obvious to one of ordinary skill in the art, having both the combination of Padiovani and Reed and Beason before him/her and with the teachings [a] as shown by the combination of Padiovani and Reed, a method and apparatus for a mobile access point, adapted for use with a packet-switched communications network comprising at least one fixed access point, to provide a mobile wireless user terminal with access to the network, the mobile access point comprising: at least one transceiver, adapted to transmit and receive communications signals to and from the wireless user terminal, and to operate as a communications link between the wireless user terminal and the fixed access point, to provide the wireless user terminal with access to the network via the communications link; and a structure, adapted to house the at least one transceiver, and being adapted to mount on or in a mobile vehicle, and [b] as shown by Beason, a GPS location determiner for a mobile transceiver, to be motivated to modify

Art Unit: 2666

the system of the combination of Padiovani and Reed by incorporating the GPS location determiner within the primary and secondary mobile units of Reed. This would improve the system by providing a means for the mobile units to communicate their positions to the network's central controller, i.e. mobile switching center.

Allowable Subject Matter

4. Claims 3, 4 10, and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 3 and 10, nothing in the prior art of the record teaches or fairly suggests the vehicle provides a substantially constant power supply, in contrast Reed teaches a separate battery charging unit.

Regarding claims 4 and 11, nothing in the prior art of the record teaches or fairly suggests a mobile access point where the transceiver is further adapted to provide a second communications link between the user terminal and another user terminal. In contrast, Reed teaches communication only between the first and second mobile units (col. 2 lines 47-56).

Response to Arguments

5. Applicant's arguments with respect to amended independent claims 1 and 8 (applicant: pgs. 7-9) have been considered but are moot in view of the new ground(s) of rejection. The Examiner agrees with the applicant that Padiovani does not teach the amended limitation of communication with the mobile access point while the mobile access point is moving. Therefore, a new search was performed (see office action above). The limitations of these amended claims are taught by the combination of Padiovani and Reed. Regarding claims 2 and 9, the limitation of the substantially constant power supply of the mobile access point (applicant: pg. 9), is also taught by Reed. Regarding claims 5 and 12 (applicant: pg. 10), the examiner contends the limitations are taught by Reed (see office action above). Regarding claims 6, 7, 13, and 14 (applicant: pg. 11), the examiner contends that the concept of a GPS locator within a mobile access point is not novel (see office action above). Regarding claims 4 and 11, the examiner agrees with the applicant that the limitations of the amended claims are not taught in the prior art of record.

Prior art is of record

6. The prior art is of record but not relied upon in the office action. Wilson (US 6,141,533) teaches a mobile repeater for Internet access.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 2666

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Abelson whose telephone number is (703) 306-5622. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on (703) 308-5463. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.


Ronald Abelson
Examiner
Art Unit 2666

October 20, 2003


DANG TON
PRIMARY EXAMINER